

Appl. No. 10/606,691
Amdt. dated May 4, 2006
Reply to Office Action of February 8, 2006

Remarks

The present amendment replies to the Official Action dated February 8, 2006. That action rejected claims 22-39 under 35 U.S.C. 102(e) based on Ozaki et al. U.S. Patent No. 5,993,478 (Ozaki). Claims 22-39 are presently pending. This sole ground of rejection is addressed below following a brief discussion of the present invention as claimed by claims 22-39 to provide context.

The Present Invention

Among its several aspects, claim 22 requires "configuring means for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path, said communication means receiving said digital information from the personal computer after said device is configured by said configuring means to receive said digital information". Claim 29 requires the steps of "configuring said device in a receive mode for receiving digital information" and "receiving said digital information from the personal computer over the wireless communication path after said device is configured to receive said digital information". Claim 33 requires "a user interface for placing said device in a receive mode for receiving said digital information from the personal computer over said wireless communication path, said communication component receiving said digital information from the personal computer after said device is configured by said user interface to receive said digital information".

An exemplary embodiment for "configuring said device in a receive mode" is described at page 5, lines 3-24. Prior to the initiation of the telephone call to the cellular telephone terminal

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105 for transmitting the desired data to this unit, this terminal is first configured in an information or data receive mode by the user. The user is able to configure the terminal 105 through an interface which includes interface buttons 106 and cellular display 107. This interface permits the user to access a program in memory therein that configures the terminal 105 in the data receive mode. See, also, the discussion at page 6, lines 21-30; and page 7, line 20- page 8, line 10.

As discussed at page 8, lines 2-10, the requirement of the user to configure the telephone terminal into this special mode before any data is added advantageously provides security for and control over the download period, and only allows downloads during user selected periods. As addressed in greater detail below, Ozaki does not teach and does not make obvious the present claims.

The Art Rejections

As an initial matter, it is noted that the present application claims a priority of July 31, 1996 and it is not admitted that Ozaki is in fact prior art. Nonetheless, in light of the significant differences between the relied upon portions of Ozaki and the present claims, applicant elects not to undertake the effort to seek to swear back of Ozaki. Further applicant does not acquiesce in the analysis of the Official Action and traverse that analysis as not supported by Ozaki.

The Official Action points specifically to col. 7, line 61-col. 8, line 16 of Ozaki as showing "configuring means" as claimed by claim 1. The Official Action relies on the same text of Ozaki with respect to the "configuring" and "receiving" steps of claim 29 and the "user interface" of claim 33. At col. 7, line 61-col. 8, line 16 of Ozaki reproduced below in its entirety:

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Fig. 1 is a diagram showing the outline of the whole structure of an automatic data transfer system of this invention. In Fig. 1, numeral 100 represents a handheld terminal device (corresponding to "a handheld terminal device with a communication function" cited in the appended claims), numeral 110 represents a host computer for the communication with the handheld terminal device, numeral 120 represents a public telephone line, numeral 130 represents a base station for transmitting a message to the handheld terminal device 100 over radio waves, and numeral 140 represents a handheld phone base station for the communication with the handheld terminal device 100 over radio waves.

The host computer 110 transmits a message ("new arrival message" in appended claims) to the handheld terminal device 100 via the base station 130. This message contains an identifier of a file (or electronic mail, corresponding to "data" in appended claims) to be fetched by the handheld terminal device 100. Upon reception of the message, the handheld terminal device 100 performs data communications with the host computer 110 by using a handheld phone function thereof, and fetches the file (or electronic mail) designated by the message.

There is no teaching and no suggestion of the claimed "configuring means", "configuring" and "receiving" steps or "user interface". As a result, Ozaki's above described approach does not provide the advantage of limiting downloads to user selected periods. As a consequence, an Ozaki device might be subject to attack by a hacker or the like. Alternatively, an Ozaki user might miss an important call as a result of an interrupting download of an update from a computer.

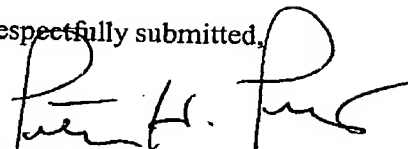
Consequently, the relied upon portions of Ozaki neither anticipate nor make obvious the present claims, and the rejection should be reconsidered and withdrawn.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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